

ORDINANCE NO. 2004 - 053

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **SCA 2004-00003 (LANTANA/HAVERHILL COMMERCIAL)**; MODIFYING PAGE 82 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 9.83 ACRES GENERALLY LOCATED ON THE NORTHEAST CORNER OF LANTANA ROAD AND HAVERHILL ROAD, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW (CL), SUBJECT TO CONDITIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on January 23, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, the Palm Beach County Board of County Commissioners, as  
2 the governing body of Palm Beach County, conducted a public hearing  
3 pursuant to Chapter 163, Part II, Florida Statutes, on November 18,  
4 2004, to review the recommendations of the Local Planning Agency and  
5 to consider adoption of the amendments; and

6           WHEREAS, the Palm Beach County Board of County Commissioners has  
7 determined that the amendment complies with all requirements of the  
8 Local Government Comprehensive Planning and Land Development  
9 Regulation Act.

10          NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12           Part I. Amendments to the Future Land Use Atlas of the Land Use  
13 Element of the 1989 Comprehensive Plan

14          The following amendment to the Future Land Use Element's Future  
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16          A.     Future Land Use Atlas page 82 is amended as follows:

17           Application No.: Lantana/Haverhill Commercial (SCA 2004-00003)

18           Amendment:                 From Medium Residential, 5 units per acre  
19   (MR-5) to Commercial Low (CL);

20           General Location:         Northeast corner of Lantana Road and  
21   Haverhill Road;

22           Size:                       Approximately 9.83 acres;

23          B.     Conditions: This parcel is subject to the following conditions:

24                 1. Vehicular access to the site shall be limited to  
25                         Haverhill Road and Lantana Road.

26                 2. The site shall be cross-hatched on the easternmost 50  
27                         feet of the site.

28                 3. The site shall be cross-hatched on the northernmost 200  
29                         feet of the site.

30           Part II. Repeal of Laws in Conflict

31          All local laws and ordinances applying to the unincorporated area  
32 of Palm Beach County in conflict with any provision of this ordinance  
33 are hereby repealed to the extent of such conflict.

34           Part III. Severability

35          If any section, paragraph, sentence, clause, phrase, or word of  
36 this Ordinance is for any reason held by the Court to be

1 unconstitutional, inoperative or void, such holding shall not affect  
2 the remainder of this Ordinance.

3 Part IV. Inclusion in the 1989 Comprehensive Plan

4 The provisions of this Ordinance shall become and be made a part  
5 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
6 Ordinance may be renumbered or relettered to accomplish such, and the  
7 word "ordinance" may be changed to "section," "article," or any other  
8 appropriate word.

9 Part V. Effective Date

10 This amendment shall not become effective until 31 days after  
11 adoption. If challenged within 30 days after adoption, this amendment  
12 shall not become effective until the state land planning agency or the  
13 Administration Commission, respectively, issues a final order  
14 determining the amendment is in compliance.

15 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
16 Palm Beach County, on the 18th day of NOVEMBER, 2004.

17 ATTEST:

18 DOROTHY H. WILKIN, Clerk

19 PALM BEACH COUNTY, FLORIDA,  
20 BY ITS BOARD OF COUNTY COMMISSIONERS

21 By: Linda C. Hickman  
22 Deputy Clerk

23 By: Tony Masiolotti  
24 Tony Masiolotti, Chair

25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

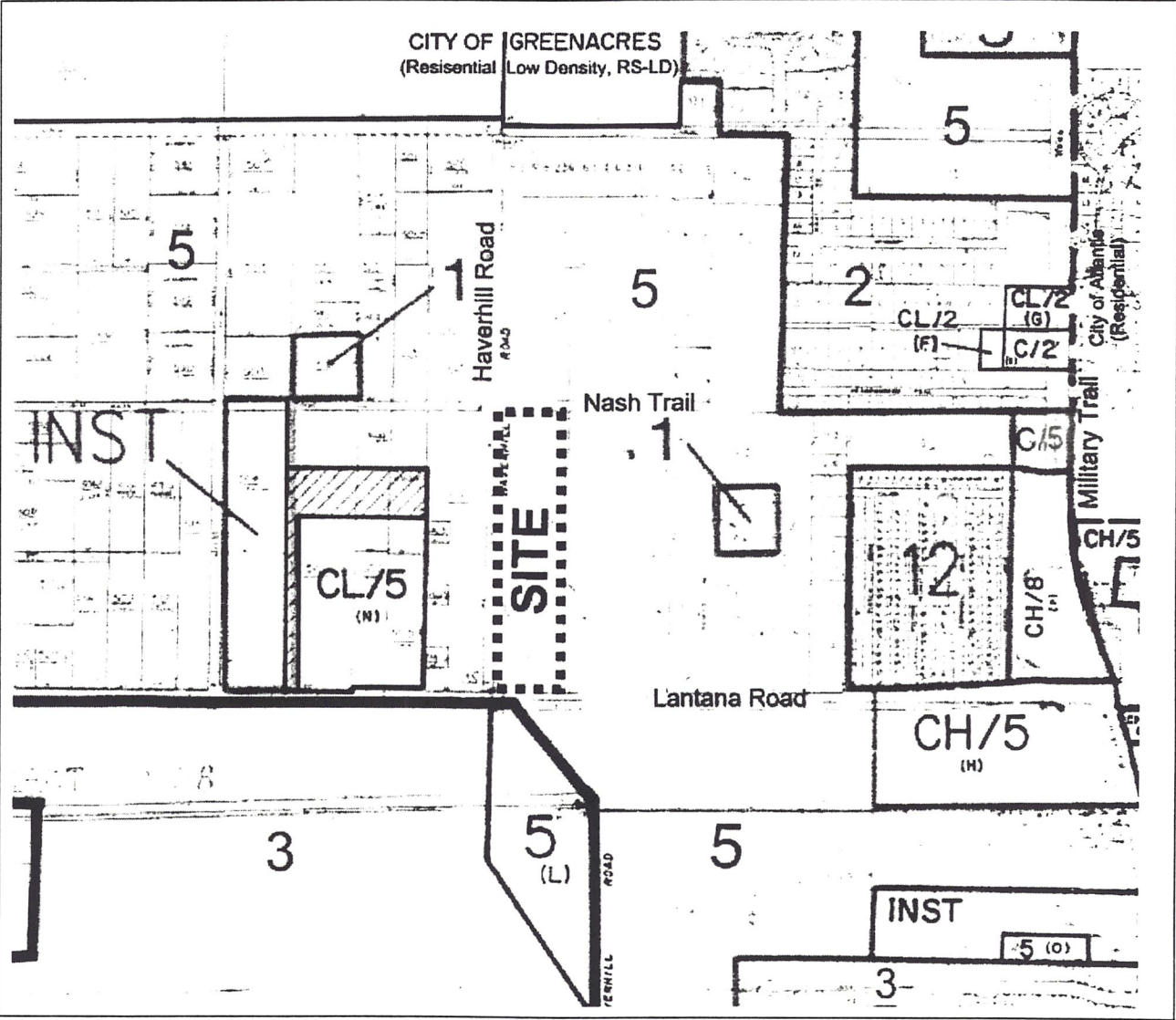
26 [Signature]  
27 COUNTY ATTORNEY

28  
29 Filed with the Department of State on the 24 day  
30 of November, 2004.  
31  
32



EXHIBIT 1

Amendment No.:	Lantana/Haverhill Commercial (SCA 2004-00003)
FLUA Page No.:	82
Amendment:	From Medium Residential, 5 units per acre (MR-5) to Commercial Low (CL)
Location:	Northeast corner of Lantana Road and Haverhill Road
Size:	Approximately 9.83 acres
Property No.:	00-42-44-36-09-014-0020, 00-42-44-36-09-014-0030
Legal Description:	See attached
Conditions:	<ol style="list-style-type: none"><li>1. Vehicular access to the site shall be limited to Haverhill Road and Lantana Road.</li><li>2. The site shall be cross-hatched on the easternmost 50 feet of the site.</li><li>3. The site shall be cross-hatched on the northernmost 200 feet of the site.</li></ol>



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**Legal Description:**

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The west half of lots 14 and 15, subdivision of the southwest quarter of section 36, Township 44 South, Range 42 East, Palm Beach County Florida according to the plat thereof on file in the office of the Clerk of Circuit Court in and for Palm Beach County, Florida as recorded on Plat Book 3 Page 10 less the right of way of record for Lantana Road and Haverhill Road; and less the following described parcel for Nash Trail Right of Way:

Commencing at the southwest corner of Section 36, Township 44 South, Range 42 East, Palm Beach County Florida thence North 02 08' 51" East (State Plane Grid Bearing Datum) along the west line of the southwest quarter of Section 36 a distance of 1387.05 feet to the Northwest corner of Lot 14, as recorded in Plat Book 3 Page 10; thence continue South 88 06' 16" East along the north line of Lot 14, a distance of 41.1 feet to the point of beginning of the parcel described herein; thence continue South 88 06' 16" East along the north line of Lot 14, a distance of 295.01 feet to the east line of the west half of Lot 14, a distance of 30 feet; thence North 88 06' 16" West along a line that is 30 feet south of and parallel with the north line of Lot 145, a distance of 296.35 feet; thence South 48 16' 55" West, 34.49 feet to the east line of Parcel 22, as described in Official Records Book 12022, Page 197, Public Records of Palm Beach County; thence North 04 40' 06" East along the east line of said Parcel 22, a distance of 30.04 feet; thence North 48 16' 56" East, along said east line 34.49 feet to the point of beginning.

Containing approximately 9.83 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk and Comptroller  
certify this to be a true and correct copy of the original  
filed in my office on November 18, 2004  
dated at West Palm Beach, FL on 1/12/05  
By: Diane Brown  
Deputy Clerk